

## REMARKS

Claims 1-15 stand rejected. Claims 1-15 remain pending in this patent application. Applicants respectfully request further examination and reconsideration in view of the arguments set forth below.

Attached hereto is a marked-up version of the changes made to the patent application by the current amendments. The attached pages are captioned "Version With Markings To Show Changes Made." Applicants respectfully submit that no new matter is introduced as a result of these amendments.

## Drawings

The drawings are objected to because of informalities noted on the PTO 948. Applicants have provided corrected informal drawings with acceptable margins. Applicants wish to apologize for any inconvenience which may have been caused.

## 35 U.S.C. §103 Rejections

Claims 1-15 of the present application are rejected under 35 U.S.C. §103(a) as being unpatentable over Lakshman et al., US Patent Number 6,269,078 (hereinafter Lakshman) in view of Mogul et al., US Patent Number 6,243,761 (hereinafter Mogul).

## CLAIM 1

Applicants respectfully contend that the Lakshman and Mogul references, alone or in combination, fail to teach or suggest an adaptive load control system as recited in

newly amended independent Claim 1. For instance, amended Claim 1 recites in part (emphasis added):

an adaptive load control system coupled to the content server to pass the access requests to the content server, wherein the adaptive load control system modifies an access request to access the corresponding content file in the adapted content format when the content server is in an overload condition such that the content server is maintained at safe load conditions, the adaptive load control system monitors load condition of the content server by monitoring response time of the content server.

Applicants respectfully submit that amended Claim 1 explicitly recites that the adaptive load control system monitors the load condition of the content server by monitoring its response time. However, Applicants respectfully assert that the Lakshman and Mogul references, alone or in combination, fail to teach or suggest an adaptive load control system that monitors the load condition of a content server in the manner recited in amended Claim 1.

Based on the above rationale, Applicants respectfully submit that amended independent Claim 1 is not rendered obvious by the Lakshman and Mogul references, alone or in combination. Therefore, Applicants respectfully submit that amended Claim 1 is allowable over the Lakshman and Mogul references.

### CLAIM 9

Applicants respectfully contend that the Lakshman and Mogul references, alone or in combination, do not teach or suggest a method of maintaining a content server at safe load conditions as recited in newly amended independent Claim 9. For instance, amended Claim 9 recites in part (emphasis added):

determining load condition of the content server when the data service system receives an access request to access one of the content files stored in the content server, the determining load condition of the content server comprises monitoring response time of the content server;

Applicants respectfully submit that amended Claim 9 specifically recites that the determination of the content server's load condition comprises monitoring the response time of the content server. However, Applicants respectfully contends that the Lakshman and Mogul references, alone or in combination, fail to teach or suggest determining the load condition of a content server in the manner recited in amended Claim 9.

Based on the above rationale, Applicants respectfully submit that amended independent Claim 9 is not render obvious by the Lakshman and Mogul references, alone or in combination. Therefore, Applicants respectfully submit amended Claim 9 is allowable over the Lakshman and Mogul references.

### CONCLUSION

In light of the above listed remarks, Applicants respectfully request reconsideration of rejected Claims 1-15.

Based on the arguments presented above, Applicants respectfully assert that Claims 1-15 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present application.

Respectfully submitted,

WAGNER, MURABITO & HAO LLP

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A handwritten signature in cursive script, appearing to read "Thomas Catale", written over a horizontal line.

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS**

Claims 1 and 9 were amended as shown below:

1. (Once Amended) A data service system in a data service network system, comprising:

a content server that stores content files for access by external access requests, wherein each of the content files is stored in a full content format and an adapted content format which is less resource-intensive to serve than the full content format;

an adaptive load control system coupled to the content server to pass the access requests to the content server, wherein the adaptive load control system modifies an access request to access the corresponding content file in the adapted content format when the content server is in an overload condition such that the content server is maintained at safe load conditions, the adaptive load control system monitors load condition of the content server by monitoring response time of the content server.

9. (Twice Amended) In a data service system of a data access network system having a content server that stores content files for access by external access requests, a method of maintaining the content server at safe load conditions, comprising:

determining load condition of the content server when the data service system receives an access request to access one of the content files stored in the content server, the determining load condition of the content server comprises monitoring response time of the content server; and

if the content server is determined to be in an overload condition, then modifying the access request to access the corresponding content file in an adapted content format which is less resource-intensive to serve than the same file in a full content format such that the content server is maintained at the safe load conditions.